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FILED
June 14, 2007
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: B. Michelle Albertson
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

| | | |
|----------------------------|---|-----------------------|
| IN THE MATTER OF | : | |
| | : | |
| MARK A. KABAT, D.O. | : | Administrative Action |
| License No. MB64566 | : | |
| | : | |
| | : | CONSENT ORDER |
| | : | |
| IN THE STATE OF NEW JERSEY | : | |
| | : | |

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about January 19, 2007 the Colorado State Board of Medical Examiners ("Colorado Board") entered into a Stipulation for Interim Cessation of Practice with Mark A. Kabat, D.O. ("Respondent") which shall remain effective until a report is issued by CPHP stating

CERTIFIED TRUE COPY

that Respondent can practice medicine safely, which must be reviewed and approved by the Colorado Board.

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and, further, that although he holds an active New Jersey license, Respondent represents that he does not currently practice medicine and surgery in the State of New Jersey; and that Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 30th day of April, 2007, ORDERED AND
AGREED THAT:

1. Respondent shall refrain from any active practice of medicine and surgery in the State of New Jersey;
2. Prior to the initiation of any active practice in the State of New Jersey, the Respondent shall be required to appear before the Board or a Committee thereof to demonstrate: (1) fitness to practice; and (2) that he holds an active unrestricted license to practice medicine and surgery in Colorado. In addition, the Board reserves the right to take disciplinary action based upon the final action of the Colorado Board and/or place restrictions and/or limitations upon Respondent's license to practice in the State of New Jersey; and

3. Upon conclusion of the pending matter before the Colorado Board, the Respondent has the affirmative duty to immediately notify this Board in writing of the Colorado Board's action and, further, provide a copy of all available documentation.

STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD
SINDY PAUL, M.D.
Board President

I have read and I understand
this Consent Order and agree to be
bound by its terms. I further
hereby consent to the entry of
this Consent Order.

Mark A. Kabat
MARK A. KABAT, D.O.

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS
STATE OF COLORADO

STIPULATION FOR INTERIM CESSATION OF PRACTICE

IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE
TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF MARK A. KABAT, D.O.
LICENSE NUMBER 44400,
Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel B ("Panel") of the
Colorado State Board of Medical Examiners ("Board") and Mark A. Kabat, D.O. ("Respondent")
as follows:

1. Respondent was licensed to practice medicine in the state of Colorado on March 13, 2006 and was issued license number 44400, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 18, 2007 the Panel reviewed information relating to Board Case No 2007-001293B and voted to summarily suspend Respondent's license pursuant to C.R.S. § 24-4-104(4). Respondent, however, has agreed to discontinue practicing medicine for a temporary period of time. Consequently, the parties have agreed to stay the summary suspension pending further assessment and while this Stipulation for Interim Cessation of Practice ("Interim Stipulation") is in effect.
4. The parties have agreed to stay potential summary suspension proceedings pending Respondent's participation with any evaluations and/or treatment recommended by the Colorado Physician Health Program ("CPHP") and while CPHP and the Panel further review Respondent's ability to practice medicine safely. Therefore, the parties have agreed to enter this Stipulation for Interim Cessation of Practice ("Stipulation") pursuant to which the summary suspension is stayed while investigations and evaluations continue so that the Panel may determine what action, if any, is warranted.
5. Respondent agrees that he will not perform any act requiring a license issued by the Board while this Stipulation is in effect.
6. Respondent is further ordered by the Panel to obtain mental and/or physical examinations by CPHP. Respondent agrees to cooperate fully with any examinations or

EXHIBIT A

evaluations recommended by CPHP, to undergo any treatment recommended and approved by CPHP, and to provide all necessary releases to CPHP to communicate freely with the Panel.

7. This Stipulation shall remain in effect until such time as CPHP issues a report stating that Respondent is able to practice medicine safely, and until such time as the Panel has had an opportunity to review and approve such a CPHP report. The CPHP report shall be considered by the Panel at that meeting of the Panel for which the report has been timely submitted by the agenda deadline.

8. The Panel agrees that it will not institute summary suspension proceedings while this Stipulation is in effect so long as the Respondent remains in compliance with this Stipulation and so long as the Panel does not learn of substantially new information that would indicate that summary suspension is warranted.

9. Nothing in this Stipulation shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. The Board has made no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Stipulation shall constitute final actions as defined in § 24-4-102(1), C.R.S.

10. Nothing in this Stipulation shall preclude the Panel from initiating disciplinary action pursuant to § 12-36-118, C.R.S., or from issuing a Final Agency Order even while this Stipulation is in effect.

11. The terms of this Interim Stipulation were mutually negotiated and determined.

12. Both parties acknowledge that they understand the legal consequences of this Interim Stipulation, both parties enter into this Interim Stipulation voluntarily, and both parties agree that no term or condition of this Interim Stipulation is unconscionable.

13. This Interim Stipulation and all its terms constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

14. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is so represented.

15. So that the Board may notify hospitals of this Interim Stipulation, Respondent presently holds privileges at the following hospitals:

Ft. Logan - Colorado Mental Health Institute
Center for Addictions & Drug Rehabilitation (Cedar)

16. Invalidation of any portion of this Interim Stipulation by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

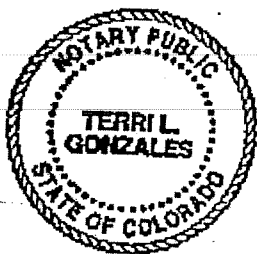
17. This Interim Stipulation shall be effective upon approval by the Panel and signature by a Panel member. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Stipulation and that if the Interim Stipulation is not approved by the Panel and signed by a Panel member, it is void.

18. This Interim Stipulation shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.

Mark A. Kabat, D.O.

The foregoing was acknowledged before me this 19 day of January,

2007 by MARK A. KABAT, D.O.



Terril L. Gonzales
NOTARY PUBLIC

9/6/09
Commission expiration date

THE FOREGOING Stipulation for Interim Cessation of Practice is approved and effective this 19 day of January, 2007.

FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS
INQUIRY PANEL B

Chris K. Hare

APPROVED AS TO FORM:

MCCONNELL, SIDERIUS
FLEISCHNER HOUGHTALING &
CRAIGMILE, L.L.C.
Attorneys at Law

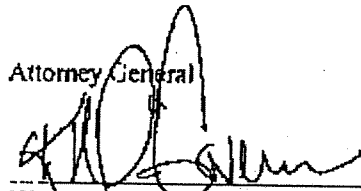

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AG ALPHA:
AG FILE: